

### **REMARKS**

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-6 are pending in this application. By this Amendment, claim 1 is amended.

Claims 1-3 stand rejected under 35 U.S.C. §103(a) as obvious over Kimura et al. (US 2002/0143975) in view of Turunen (US 7,289,792).

In addition, claims 4-6 stand rejected under 35 USC 103(a) over Kimura and Turunen, and further in view of Marriott et al. (US 7,277,951).

Claim 1 is amended to more clearly recite, wherein based upon whether a receiving terminal is capable of reproducing a Multimedia Message Service (MMS) message from a first MMS server, a notice message is sent to the receiving terminal that includes the address of either the first MMS server or a second MMS server, with which to connect. The Office Action alleges that paragraph [0080] discloses this feature. Applicants respectfully disagree.

Kimura appears to relate to media distribution systems and more particularly, a multimedia conversion server that has a distribution server 101, 201 placed between the receiving terminal and various servers, e.g., a terminal database server, a video and voice server, a picture conversion server, a picture database, and a speech segment database. In other words the receiving terminal of Kimura appears to only connect to the distribution server and it is the distribution server that connects to the appropriate server for processing the MMS message.

For example, Kimura, at paragraph [0080], states that “the receiving terminal 150 is connected to a picture database server 152 and a speech segment database server 155, transmits desired picture selection signal 151 and speech selection signal 154 to the respective servers 152 and 155, and acquires corresponding frame data set 153 and speech segment set 156.” Indeed, at paragraph [0044] Kimura specifically states that “the distribution server 101 determines speech and video encoding algorithm based on the information of speech and video decoding capability 2102.” Applicants respectfully submit that nowhere does Kimura disclose, teach, or suggest that

a notice message is sent to the receiving terminal that includes the addresses of the servers. Kimura appears to suggest that the actual servers are transparent to the receiving terminal and that the distribution server connects the receiving terminal to the appropriate server.

Furthermore, the Office Action admits that Kimura fails to disclose wherein the received terminal executes and outputs a speech and video synthesis by using text information received in a notice message, and relies on the Abstract of Turunen to remedy the deficiencies of Kimura. Applicants respectfully disagree and submit that the Abstract of Turunen only suggest that information on the activation of the data transmission connection for said terminal (MS1) is transmitted to the multimedia message server (MMSV), and does not disclose any notice message from the MMSV to the MS1.

Accordingly, since the alleged combination of Kimura and Turunen fails to disclose, teach or suggest each and every feature recited in amended independent claim 1, the rejection of claim 1 under 35 U.S.C. §103(a) is improper. Applicants respectfully submit, therefore, that amended claim 1 is patentable over the asserted combination of references, either alone or in permissible combinations. Claims 2-6 are likewise patentable at least based on their dependency on an allowable base claim, as well as for additional features they recite. Withdrawal of the rejection of claims 1-6 is respectfully requested.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

The Examiner is invited to telephone the undersigned attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP

/Yoon S Ham/  
Yoon S. Ham  
Registration No. 45,307

Customer Number: 22429  
1700 Diagonal Road, Suite 300  
Alexandria, Virginia 22314  
(703) 684-1111  
(703) 518-5499 Facsimile  
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YSH/ERM/jr